IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.769 OF 2006

IN

APPEAL FROM ORDER (STAMP) NO.11717 OF 2006

IN

NOTICE OF MOTION NO.4831 OF 2005

IN

B.C.C.C. S.C. SUIT NO.738 OF 1997

Abdul Razak Khan ...Applicant

Versus

Shriram Mithai Barai (NAG) ...Respondent

.....

Mr.Anil R.Mishra for Applicant.

Mr.G.S.Bhat for Respondent.

.....

CORAM: A.M.KHANWILKAR, J.

AUGUST 10, 2006.

P.C.

1. Heard Counsel for the parties. Perused the Application.

2. I am in agreement with the stand taken by

the Respondent that no cause whatsoever has been made out, much less, sufficient cause for condoning delay. However, by way of indulgence, in the interest of justice and also because Applicant should not suffer for the mistake of the Advocate, Application is allowed in terms of prayer clause (a), on condition that the Applicant shall pay cost quantified at Rs.1000/- (Rupees One thousand Only) to the High Court Legal Services Committee within one week from today, failing which, Office to proceed on the assumption that this Application is dismissed for non-prosecution without further reference to the court.

3. If cost is paid in time, the main matter be processed further and be listed as per its turn for admission.

A.M.KHANWILKAR, J.